IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Writ Petition No.16484 of 1997
DATED 1-2-2007

BETWEEN

Sri M.V.N.Ranga Rao and 6 others. .. Petitioner

And

The Government of Andhra Pradesh
Represented by its Chief Secretary,
General Administration Department,
Secretariat, Hyderabad.

.. Respondents

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.16484 of 1997

ORDER:

The petitioners would question the action of the respondents in not carrying out the directions of the Andhra Pradesh Administrative Tribunal in O.A.No.2683 of 1993 dated 1.12.1993 and 9.8.1995 and the directions of this Court in Writ Petition No.8151 of 1993 dated 20.7.1995.

Sri B.P.Raju, learned counsel for the petitioners

would fairly admit that the petitioners herein, though seeking appointment to civil post, had approached this Court directly without invoking the jurisdiction of the Tribunal. The learned counsel would submit that it is only after the writ petition was filed before this Court that the Supreme Court in **L.Chandra Kumar v. Union of India**[1] had held that the jurisdiction of the Tribunal has to be invoked in the first place before approaching this Court under Article 226 of the Constitution of India and, as such, the judgment of the Supreme Court does not apply to the present writ petition. Learned counsel would seek implementation of the judgment of the Division Bench of this court in WP No.6746 of 2005 and batch.

Unlike statutes, courts expound the law and the law declared by the Supreme Court cannot be construed as operating only from the date on which judgment was pronounced. In view of the law laid down by the Supreme Court in L.Chandra Kumar's case (supra), the petitioners herein are required to invoke the jurisdiction of the Tribunal in the first place, before approaching this Court under Article 226 of the Constitution of India.

With regard to the judgment of the Division Bench of this Court in W.P.No.6746 of 2005 and batch, on which reliance has been placed by the learned

counsel for the petitioners, it is always open to the petitioners to place reliance on the said judgment before the Tribunal. Leaving it open to the petitioners herein, if they so choose, to approach the Tribunal in this regard, the writ petition is dismissed. However, in the circumstances, without costs.

RAMESH RANGANATHAN,J

Dt:1.2.2007
msv.

---

[1] AIR 1997 SC 1125